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ABSTRACT

This guide for achieving change in the juvenile justice system begins with a discussion of how to obtain information about problems, how to develop issues in a way that will help to accomplish goals, and how to identify supporters. The public meeting is described as useful for drawing public attention to problems and for focusing media attention. The need for good organization is stressed and suggestions are given for publicizing and conducting meetings. Considerations in meeting with public officials are also presented. Media techniques such as developing a contact list, issuing a press statement, and holding a press conference are discussed. Administrative procedures to solve problems are also considered. Discussions are centered on filing written complaints, investigation of complaints, and the use of administrative hearings to remedy individual grievances. For those considering lawsuits as solutions to change, steps in preparing for litigation are outlined, including preliminary work, choosing an attorney, the individual's role in litigation, and monitoring the settlement. An appendix of materials that may be helpful in inspecting institutions includes an article on inspecting jails, and forms for recording information from jail inspections of juvenile facilities. (NRB)

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A LAYPERSON'S GUIDE TO ACHIEVING CHANGE IN THE JUVENILE JUSTICE SYSTEM

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Prepared for

The Office of Juvenile Justice
and Delinquency Prevention

U.S. Department of Justice

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CHAPTER 1

IDENTIFYING PROBLEMS, INVESTIGATING, AND FRAMING ISSUES

INTRODUCTION

People are concerned about problems in the juvenile justice system for a variety of reasons. Some are the parents or relatives of children who are involved with the system. Others, like teachers, lawyers or judges, work with juvenile offenders. Still others may be sympathetic to the problems of youthful offenders because they believe that the problems of children deserve the highest priority.

Regardless of why you are concerned, you must approach the problem in an organized way in order to achieve change. This section discusses how to obtain information about the problems, how to develop issues in a way that will help you accomplish your goals, and how to identify supporters.

IDENTIFYING PROBLEMS

Sometimes concern about the juvenile justice system results from a specific incident, like a suicide in a jail or the arrest of a relative. In other cases your interest may be more general and you many have trouble identifying specific problems.

Here are some examples of problems that may lead to investigation of the juvenile justice system:

> Your local juvenile judge puts kids who are truant from school in the local jail to teach them a lesson. This is a problem because jails are not safe for children, and because it's illegal to lock up a "status offender." (A status offense is an act like truancy which would not be illegal if committed by an adult.)
>
> You have heard reports that conditions in State-run juvenile justice institutions are substandard. Such poor conditions could include:
>
> (a) overcrowding;
> (b) unsanitary and dangerous physical conditions;
> (c) lack of security or safety from abuse by staff or other children;
> (d) lack of medical and psychiatric care;
> (e) abusive punishment;

(f) lack of education and programming;
(g) arbitrary disciplinary procedures;
(h) mail censorship;
(i) deprivation of access to a lawyer.

Your county has only one juvenile justice facility for girls. The county government is threatening to close the facility in order to save money. You know that if the facility is closed, there will be no other program for girls in your county, and the girls will be sent far from their homes and families.

These examples all focus on the institutions where children are sent by juvenile court. Each problem affects a different type of juvenile offender. Each problem also involves other parts of the system. For instance, in the first example, the problem stems from the opinions and practices of the juvenile court judge. However, part of the problem is the fact that there are no viable alternative detention programs for kids. So the county is also responsible for the problem.

Once you have identified a problem, you will need to learn more about the juvenile justice system to find out what caused it, and how it can be solved. The best way to do this is to conduct your own survey. You should identify local institutions like juvenile courts, detention homes, jails, and reform or training schools. Next find out how children get involved with these institutions. Third, find out who is responsible for setting policies and overseeing practices at the institutions, and what these policies and practices are. You might start by talking to the local police chief or sheriff to find out what happens to kids who are arrested. Next, you might speak with the juvenile court judge or probation officer. If there are local programs or institutions where children go after juvenile court, these might be your next stop. As you visit with these officials, ask for organizational charts to find out who is in charge of what.

A survey like this is helpful because, in order to challenge a policy or practice, you must find out who is responsible for it, who has the authority to change it, and how the practice fits into the overall system. You can save time, energy, and money by focusing your efforts on those who have the power to make the changes you want. A general survey will also help you identify additional, related problems.

When talking with these officials, don't concentrate only on the problems you already know about. Gather as much information as you can at this stage; you may find your interests change as you learn more about the system.

You should also talk with children or parents of children who have had direct contact with the system. Let them know that you are interested in identifying general problems in the system. Offer to keep the information they give you confidential. You should make it clear that you can't help with individual problems, but that you do want to change the system to improve the treatment of all children. Even if you've had personal contact with the system, it is important to find out about the experience of others.

INVESTIGATION

In investigating a problem like the jailing of status offenders, the first step is to compile specific information. You need answers to the following questions:

1. How many children are affected? How widespread or common is the practice?

2. What category of juvenile offender does the problem affect?

3. What is the age of children affected?

4. What are the harmful consequences for the children affected?

5. Who or what is responsible for the problem?

6. How can the problem be solved?

Identifying the problem should help you narrow your focus and identify whom to approach within the system for information. Probation departments have detention records for each child which will tell you how many children are detained where. You might try to contact a concerned staff person in that department who can provide you with this information. Some States conduct jail surveys periodically. For example, the California Youth Authority publishes a survey that describes children confined in adult jails by sex, age, ethnic background, and offense. While such reports may be dated or incomplete, they are good starting points for your investigation.

You also have to find out who is responsible for the problem and who has the power to make changes. For example, the practice of jailing status offenders may involve the police who arrest children and deliver them to the jail, the jailer or sheriff who administers the jail, the Board of Commissioners, or other body that sets policy and provides funds for the jail (and fails to provide alternative facilities), and the juvenile court judge. Juvenile justice facilities like State training schools may receive funds from several State agencies, for example, the departments of education, mental health, or welfare. Any State-run program is ultimately controlled by the governor and State legislature.

If you have already conducted a general survey, you may have some idea of the attitudes of these public officials. If they are concerned, they can be a vital source of information. If they are threatened by your concerns, however, your inquiry could be seriously delayed. Be specific enough, therefore, to assure them of your desire to improve the system and not to conduct a witch hunt.

Finally, you may want to know about the law. Find out if the problem is affected by State or Federal law. The easiest way to do this is to recruit a lawyer to research the legal issues. You may want to contact your local legal

services organization for this help. If this is not possible, there are national, legal information and advocacy centers which can help you evaluate legal questions.

One of the most important laws of which you should be aware is the Juvenile Justice and Delinquency Prevention Act (JJDPA). The United States Congress passed the JJDPA in 1974. It was designed to help States develop creative approaches to correct nationwide, well-documented problems with juvenile justice systems. In particular, the Act focuses on two essential reforms: (1) the removal of status offenders from confinement in locked institutions; and (2) the separation, by sight and sound, of juveniles from adult offenders in jails and other facilities.

The JJDPA reflects Congress's conviction that, whenever possible, children should remain with their families or in their home comunities while receiving treatment or rehabilitative services. The Act directs communities to develop a wide range of alternatives to secure institutions, including services to children and parents in their homes, as well as short and long-term residential programs. While the Act only requires the development of such alternatives to institutions for status offenders, it encourages the use of innovative, less restrictive programs for delinquents as well.

The JJDPA's support for placement of children in less restrictive environments is consistent with Congress's findings on the documented dangers and damages of jailing and locked confinement, and with an important constitutional right that the courts have recently recognized: the right to treatment in the least restrictive setting.

FRAMING THE ISSUES

By investigating the problem more closely, you can begin to discern the most important issues raised by the problem you have identified. Investigation will also help to clarify the strategy you should use to make changes. For example, consider the following case:

> Local juvenile court judge Harold Nails routinely sends children to "do time" at the county jail. The juvenile cell is in sight and sound contact with adult cells and is filthy, small, and dark. A couple of children in the jail have attempted suicide, and many children have told their parents that they were threatened and verbally assaulted by the adult inmates.

Framing issues involves four components:

(1) identifying the problem;

(2) identifying the victim;

(3) identifying those responsible;

(4) identifying the solution.

In the above case, the problem is the illegal confinement of children. More specifically, status offenders are illegally confined in a secure setting, and other juvenile offenders are confined under substandard conditions without sight and sound separation from adults.

Identifying the victims need not only include the children, but can be expanded to include the parents of the children and other members of the community who have to contend with the adverse effects of such confinements, once the children are released.

Identifying those responsible is tricky. At first glance, it appears that Judge Nails is the one at fault. However, this approach is problematic. Singling out Judge Nails allows the county government to continue to escape its responsibility to provide local, community-based alternative programs. The local sheriff or jailer and the county government are also responsible for jail conditions.

Identifying the solution calls for some creative thinking and discussion. An issue can be framed adequately without posing a solution, but presenting a solution can attract public support. National juvenile justice organizations can be helpful in specifying alternative solutions.

Framing the issue is critically important because it affects your relationship to public officials and attracts supporters.

IDENTIFYING SUPPORTERS

The way the problem is framed as an issue will determine who can be recruited to help in your efforts. Framing the issue defines who is directly affected, who is concerned, and who can be sympathetic.

> Sally is caught shoplifting in a grocery store in her hometown of Centerville. Sally's offense is a misdemeanor. There is a local counseling and education program for boys who are guilty of similar offenses, but Sally has to go 200 miles away to the only program that will accept girls. Julie Simpson and Peggy Johnson, friends of Sally's mother, are outraged by the situation. The two women investigate the problem and find that there is a surplus in the county's bank account. They decide to organize a campaign to press the county to fund a local program for young female offenders. They want to call a meeting, but first they sit down to identify possible supporters.

Like Julie and Peggy, your group should start by trying to find supporters. The most obvious are parents and children who have been involved with the system. It may be difficult to identify these people because of the

confidentiality surrounding juvenile court proceedings, and because parents may be ashamed to publicly say that their children are involved. However, you may be able to recruit support from this group indirectly, through contacts with local organizations. Ask to address meetings of organizations involved with parents and children. Members who have had problems with the system may be willing to join with you.

Juvenile justice professionals may also be sympathetic to the problem. For example, probation officers may be concerned about problems like the jailing of children or out of county placements.

Other local or regional groups are also good allies. Civic groups like local social service groups, church groups, women's and minority organizations might be sympathetic, particularly if children of members are affected.

Some State organizations may also be willing to help. Contact the State PTA, the State Bar, and State juvenile justice organizations. See if concerned professionals will recruit support from these organizations. For example, arrange for a lawyer to approach the bar association, or a teacher to address a PTA meeting about the issue.

CONCLUSION

All of the steps discussed in this section will provide a solid foundation for your program and assist in your efforts to make changes in the juvenile justice system.

CHAPTER 2

PUBLIC MEETINGS

Last year in Clear Water Springs, the local Parent-Teacher Association focused its study group session on juvenile delinquency. The group heard about abuses of boys by staff in the State's training school. One boy told group members about brutal physical punishment and occasional sexual assaults by training school staff.

Joe and Fred want to do something. They spend a few weeks talking to the local probation officer, a couple of policemen, and a former teacher at the school. They research the problems and find out which State bureaucracy operates the school. They contact local groups and individuals and develop a list of about 150 concerned people. They decide it's time to hold a public meeting.

INTRODUCTION

A public meeting is a useful organizing tool. First, it allows for an assessment of the number of supporters and the depth of their commitment. Second, it provides a forum for certain kinds of decision-making. General decision-making at a public meeting can give those attending a heightened sense of involvement in, and responsibility for, a campaign. Decisions appropriately made at a large public meeting are (1) priority goals of the campaign, and (2) the structure of the organization.

At a first public meeting you can begin to create an organization out of the list of supporters. You might want to elect a chairman or executive committee to see that the campaign's goals are carried out, to arrange meetings with appropriate public officials, or to be responsible for gathering and disseminating information.

A warning: Unless a decent turnout is expected, a public meeting can be demoralizing. Try to find out roughly how many people will come before scheduling a meeting. It is often worse to call a meeting which no one attends than to forego or postpone the meeting if it seems the attendance will be poor.

PUBLICITY

Once you have decided to hold a meeting, mail a leaflet or short letter to the list of supporters describing the place, time, and agenda of the meeting. You can also get publicity through the local media, (newspapers, radio, and television), by leafleting the neighborhoods and busy commercial areas, or by going door-to-door.

Another way to get people to attend is to obtain membership lists from sympathetic local organizations. Telephone all your supporters and ask each of them in turn to phone five or ten people from these lists. Ask if people think they will attend and keep a list of names of people who say they will. Call these people a couple of days before the meeting to remind them about it.

It takes a minimum of two-three weeks to publicize a meeting. Publicity in the form of leaflets, posters and media announcements should be most visible during the last week before the meeting.

CONDUCTING THE MEETING

The organization of a public meeting depends on its size. The larger the meeting, the more difficult it will be to conduct an open discussion. If you want to present information, do so early in the meeting and save your discussion for later. It is helpful to have a chairperson or moderator to keep the meeting moving and limit the amount of time individuals have to speak. If one person talks for too long, listeners will be bored or angry and lose interest.

The meeting sets the tone for the campaign. People should feel that they have an opportunity to participate in order to encourage their continued involvement.

The purpose of a public meeting is to forge a group that will continue to be concerned about your issue in particular and juvenile justice issues in general. If people make a commitment to the issue at the meeting, it is likely they will stay committed. The discussion, therefore, should center around who is responsible for the problem, who can make changes, and how the group can work to bring about these changes. It is vital that the group decide what concrete steps to take next, i.e., a meeting with the director of the State training school, or the County Commissioners, asking for a grand jury or district attorneys' investigation of the problem, etc.

CONCLUSION

A public meeting can be a very effective organizing tool. It will draw attention to the problem and can be used as a focus for media attention (see chapter 4 below). Good organization is essential to the success of this kind of project.

CHAPTER 3

MEETINGS WITH PUBLIC OFFICIALS

PRIVATE vs. PUBLIC MEETINGS

Arranging a meeting with a public official is a useful way of determining how the institutional structure will respond to the concerns of your campaign. However, before you arrange such a meeting, make sure that your goals are clearly defined, and that you know how you want to conduct the meeting. There are two ways to conduct this kind of meeting. One is for a small delegation of members to meet with the public official. The other is for the public official to come to a general meeting of your group. Both forms have advantages and disadvantages.

The small meeting may be more effective in terms of establishing rapport with the public official. However, because only a few members of your group will be there, the official may not see your group as powerful. Also, some members may be suspicious of the delegates and accuse them of making secret deals. A large meeting encourages the involvement of more members of your group and attracts the attention of the media. On the other hand, it may be difficult to get a public official to attend a large meeting.

If you decide to have a public meeting, make sure it is carefully organized. You might decide in advance what kinds of questions to ask of the public official and assign one or more persons to ask the questions. Limit the time that the public official has to respond to each question: the purpose of the meeting is to address the group's concerns, not to provide a forum for the public official. You can leave a certain period of time at the end of the meeting for general questions and answers, and discussion. A moderator should control this period, so that the meeting does not turn into a shouting match. A chaotic session can undermine the credibility of your campaign in the community and lose support for it.

A small meeting is, in effect, a negotiating session. Delegates should approach the meeting with a polite, but firm and direct attitude. They carry the responsibility of the campaign on their shoulders, and it's their responsibility to see that the meeting has a clear resolution. They must find out precisely what the official's stand on the concerns of the campaign is, and take this information back to a larger meeting of the group. If there is a chance of reaching an agreement or settlement at this meeting, they must submit the proposed agreement to the general membership for comments or approval.

THE MEETING

Before arranging a meeting, be sure that you are contacting the official responsible for the policy the group wants changed. Once you have identified this person, be vigorous in pursuing efforts to arrange the meeting. contact the official by phone, and follow up with a letter or, if necessary, a personal visit, in order to schedule a meeting.

Once you have set up the meeting, be sure you are prepared. You will want to develop a short presentation on the group's concerns, structure, membership and history. If possible, prepare a written summary of this information.

What is the likely response of public officials to the request for a meeting? First, they may be willing, or even anxious, to meet with you. A public official may want the same kinds of changes that you do, or may want the support of an organized group like yours. In fact, you may actually be able to recruit the public official's support for your group's concerns. (Of course, it is equally or more likely that the official is not interested, or is opposed to any suggestions from the group.)

An official may try to avoid a meeting with you. He or she may agree to a meeting and, at the last minute, delegate a staff person to meet with you in his or her place. Unless this staff person is very influential, you should refuse this kind of meeting. You cannot resolve your problems without meeting directly with a person who is capable of making changes. So, if your group is concerned about conditions in the local detention center, you must meet with the director of the detention center, not a subordinate.

If the official sends an assistant to a public meeting, you should hold the meeting, but should not negotiate with the assistant. Instead, the members should clearly state the group's desire to meet with his or her boss.

DURING AND AFTER THE MEETING

The goal of the meeting is to convince the official to agree to your demands. These demands should be clear, fair, and reasonable. If the official will not agree, get a clear explanation of his or her opposition to them. You need to know what he will or will not do in order to plan the next steps of your campaign. Vague expressions of sympathy without a real commitment are not enough.

After the meeting, prepare a written summary of the results of the meeting. Send this in letter form to the public official and ask that he or she tell you if there are any inaccuracies in the summary. This letter will document the results of the meeting and will pin the official's position down.

A NOTE OF CAUTION FOR NONPROFITS

The IRS Code at 26 United States Code, Section 4911, limits the amount of lobbying that nonprofit organizations ([501(c)(3)'s) can engage in without jeopardizing their tax-exempt status. This limitation affects meetings with members of public legislative bodies, like county commissions, or city councils. The IRS Code limits "excess lobbying expenditures for the purpose of influencing legislation." Nonprofit corporations can engage in a limited amount of lobbying, but their total expenditure on this type of activity must be less than twenty percent of their yearly budget. A meeting with a public official like the director of a juvenile justice institution is probably not covered by this section of the IRS Code. However, it is always helpful to consult a lawyer who can give you advice based on your specific situation. If your group is not a nonprofit corporation, these limitations do not apply to you.

CHAPTER 4

USE OF THE MEDIA

INTRODUCTION

Once your group becomes active, representatives of the press will call you for stories, comments, or an overview of your activities. Often, however, you will want to contact them first. If you initiate communication with the press, you can shape the type of press coverage you will get, and increase the chances that it will be favorable. You can use two devices for communicating with the press. The first, and less effective, is the issuance of a press statement. The second is a press conference. For either of these to work you will need a contact list.

DEVELOPING A CONTACT LIST

The first step in conducting a press campaign is to develop a press contact list. This project has two phases. First, decide what newspapers, radio stations, television stations, magazines, or other publications should be on your press list. Major daily papers and all television and radio news departments should be on it. In addition, you may want to have some specialized publications on your list because their readership is interested in your cause. For example, in most cities and towns, minority communities have their own newspapers. These may be weekly or monthly publications. Since juvenile justice issues often affect these communities, include their newspapers on your press list. In some small towns, the daily paper originates in another, larger city, and the town has its own weekly paper. Include that paper on your list too.

Be sure to include the wire services, AP and UPI, because they can give you Statewide and national exposure. In fact, if you believe your news may have national significance, contact representatives of major city newspapers, like the New York Times or the Washington Post, that have offices in your city. Most TV networks rely on local affiliates to provide them with news, but if your city is the regional base for a TV network, you may want to contact it directly.

Remember, it does not hurt to include anyone on your list. Even if the TV networks do not send representatives, they may call local affiliates to ensure that they cover the story. It is hard to predict who will be interested in your story. The level of interest depends not only on the history of involvement of the paper or station with your issue, but on the amount of news

that is covered that day, and the interest of individual reporters. These factors change from day to day. Even if a paper or station does not respond to you this time, they may be interested in a subsequent story.

The second task in developing a contact list is to identify particular reporters or editors who are interested in your story. Ideally, members of your group will know certain reporters or editors to whom you can direct your press release or news conference announcement. If no one knows a reporter personally, follow the newspaper or new station's coverage to see if one particular reporter is assigned to, or interested in, stories similar to yours. Direct your announcement to this reporter. If you still cannot decide who should receive your information, call the news or editorial offices and ask. Often, they will suggest sending it to the news desk or news editor, but in other cases they will suggest a particular reporter.

Once you have developed this list, prepare several sets of labels with press addresses on them. These will eliminate the need for typing envelopes each time you do a press mailing. You will find them particularly helpful when you have an emergency press conference and do not have enough time to get ready for it.

THE PRESS STATEMENT

Issuing a press statement is a simple way to communicate with the press. You need only write up a press relese and distribute it to reporters from local newspapers, the wire services, and television and radio stations. The press statement must be written so that it can be printed in the newspaper directly. Many small papers will only be willing to print information if minimal work is involved. They will not assign a reporter to rewrite your story, but they will use your story if it can be printed as it is. Try to make sure that the most important facts are printed in the first paragraph of the press release. That way, if a paper does not have enough space to run your whole release, it can cut it from the bottom up without losing important information.

Include the name and telephone number of a person to call for further information on your press statement. Without this information, a reporter who wants to write a more detailed story may be discouraged and decide not to investigate.

One problem with distributing a press release is that it does not give you an opportunity to respond to reporters' questions. In addition, television stations will rarely air a story when it has no picture or voice to go with it. A press release also is less likely to attract the attention of reporters or editors than is a press conference. Use a press release only for events that do not merit major coverage, like the receipt of a grant, the election of officers, or some less significant meetings. To publicize a major event like the publication of a report on conditions in the juvenile justice system, the filing of a lawsuit, or an important meeting with public officials, you should have a press conference.

THE PRESS CONFERENCE

Introduction

At a press conference, a representative of the group makes a short statement, and distributes a written press release. After the statement, members of the press ask questions. You may want to supplement your press conference with a "media event." That is, you may want to engage in some activity that is unusually interesting and attention-getting. Examples of this type of activity are, handing a petition to a mayor or sheriff, picketing a building, or touring a jail. Your press conference should directly precede or follow this activity. A media event is effective because it provides a focus for a news story and offers interesting visual images for television.

It is always desirable to hold a press conference when a major event occurs. It is true that, in many cases, if you are engaged in an important activity, like a protest, a boycott, or the filing of major litigation, the press will call you. However, at a press conference, you are better able to control the substance of the story, and to decide who speaks for your group.

If an unexpected event occurs, organize a quick press conference. In this case, you may not be completely prepared. (For example, you may not be able to put together a press release to distribute.) Even without thorough preparation, it is useful to have a press conference so that the media get an accurate version of your side of the story.

The Announcement

Publicize your press conference in as many ways as possible. If you know about the press conference several days in advance, send out an announcement that tells what the purpose or main topic of the conference is, and identifies speakers at the conference. The announcement should not summarize your press statement or indicate what will be said at the press conference. A too detailed announcement will discourage reporters from attending because they can just print your announcement.

In addition to, or instead of, this announcement, call everyone on your press list to notify them of the time, location, and subject of the press conference. Make these calls shortly before the press conference, but far enough in advance so that reporters can include the conference in their daily schedule.

Either the written or the oral announcement may alert the "opposition" (if there is one) to the fact that you are planning to take some action. If surprise is an important element of your action, you must give notice very close to the time of the event. In that case, the event will have to be very newsworthy to attract the press. In many cases, when you are notifying them

of the conference, reporters will want you to give them your whole story over the telephone. Don't. If one newspaper or station prints or airs the story early, the press conference will no longer be news, and other reporters will have no reason to attend.

Attracting Reporters

There is no way to guarantee that the press will attend your conference, however, certain things help.

First, schedule the press at around 10:00 a.m. This is early enough for the afternoon and evening newspapers and broadcasts. Reporters for later editions of the morning paper may want to interview you a half-hour before the press conference. This should be possible because you will usually be available at the site of the press conference at least an hour and a half early.

Second, have the press conference in a location that is accessible to, and has room for, cameras and microphones. Reporters should be familiar enough with the location to be able to find it easily.

Third, the press conference should be centered around an interesting event or prominent speaker. A press conference must be newsworthy. You may be calling the press conference to announce an important event like the filing of a lawsuit, a boycott, a political campaign, or some similar action, in which case, the action is newsworthy in itself. If you are using the press conference to announce something less timely, such as the findings of an investigation, try to have a well-known speaker present these findings. The presence of this speaker will attract the press without revealing the substance of the conference.

Finally, you have to rely on luck. A press conference held on a day when there is a major fire, or the President is making a foreign policy speech, will not receive much coverage. Even several minor events can detract from the success of a press conference. You can help your luck by coordinating with other friendly groups and trying to avoid scheduling conflicts. Inform these groups that you will be having a press conference so that, if possible, they will not schedule anything for the same day.

The Press Conference Itself

At the press conference, distribute a press statement similar to the press release described above. Remember to include the name and telephone number of a contact person, in case anyone has questions after the press conference, or wants more detailed information.

Choose one person to speak at the press conference. This person should give a brief statement (no longer than ten minutes). If a well-known person is

available, he or he may be the ideal spokesperson. If not, someone directly involved in the controversy should speak. If you are filing litigation about jail conditions, for example, the mother of an incarcerated child or the child herself, rather than the attorney, should make the initial statement.

After the opening statement, reporters will ask questions. At this point, a lawyer or someone else familiar with the technical details can help answer the questions. However, if a person directly involved can answer competently, he or she should do so.

Either before or after the press conference, individual reporters, particularly reporters for weekly newspapers, may want in-depth interviews. Allow enough time for these interviews.

After the Press Conference

You will receive calls about the press conference throughout the day. Persons who are unable to attend, reporters from radio stations who do telephone interviews, and wire services may call to get information after the press conference is over. For this reason, it is important to have someone at the phone during the hours following the press conference.

When newspaper articles appear, clip and save them for future reference. Newspaper articles are helpful in obtaining funding and keeping a record of your activities.

General Ideas

Finally, consider using other forms of free publicity. Among the most important of these are public service announcements and local talk shows. Television and radio stations have an obligation to provide a certain amount of free air time for public service announcements. Often they do not have enough announcements to fill this time, so that are willing to broadcast an announcement you give them. Call the local stations to find out how they handle public service announcements.

Local talk shows frequently need interesting guests to interview. Call these shows to let them know about your group, and to tell them you are interested in appearing on their shows. Shows that have direct interviews without call-ins are easier to handle. You can control your interview without becoming involved in side issues or shouting matches. Decide for yourself if you feel confident enough of your position to appear on a radio call-in show. If you do, remember, you must be calmer and more rational than the callers, even when responding to totally unreasonable comments.

A NOTE ON DEFAMATION, ETC.

Many groups, when they begin dealing with the press, are concerned about being sued for slander or libel (defamation). The general rule to follow is to check all of your statements to make sure they are accurate, because truth is a defense to this kind of action. You should also avoid overstating the case or using overly vivid metaphors. State the case plainly and simply, and avoid attacking particular individuals. If you still have questions, consult with an attorney. He or she can help you phrase your statement, and tell you how to respond to questions so that you will avoid liability.

CHAPTER 5

ADMINISTRATIVE PROCEDURES

Some problems can be resolved by using administrative procedures or administrative remedies. An administrative procedure is an appeal to a representative of an administrative agency, either the agency that is causing the problem, or an agency that provides money to the problem agency.

COMPLAINT--INVESTIGATION

There are two kinds of administrative procedures. The first is simpler but often less effective. It requires you to file a written complaint with an agency or a sub-agency. This agency will investigate your complaint, and if it finds you are justified, attempt to solve the problem. Some examples of this kind of procedure are:

(1) Making a complaint to a city's affirmative action office about the unequal treatment of boys and girls in the juvenile justice system;

(2) Making a complaint to a Federal or local occupational health and safety administration about the lack of light or heat in a jail;

(3) Making a complaint to the Office of Civil Rights about the failure of a detention center to provide services for handicapped children.

As the person making the complaint, the only chance you have to participate in this procedure is in the preparation of the complaint itself. You must, therefore, make your letter of complaint as detailed as possible, and attach copies of all documents that support your complaint. You should also give the agency names, addresses, and telephone numbers of people who know about the situation and are willing to help with the investigation. (Sometimes, after you file a complaint, an investigator will call to talk with you, and you can provide more information. However, do not save information in anticipation of this call; it may never come.)

The most important thing your letter of complaint can accomplish is to convince the agency that your complaint deserves immediate, thorough investigation. It may not be hard to convince a local affirmative action office of this. It is much more difficult to convince a large Federal agency that you need help.

The complaint procedure can be effective, but you cannot rely on it to achieve change for two reasons. First, it is often very slow. The delay between filing your complaint and the beginning of an investigation may be as long as several years. If the office is not interested in your complaint, it may delay investigation indefinitely. Second, the agency you complain to may not be able to accomplish everything you want. In many cases, all the agency can do is to withdraw funding, or to fine the organization that is causing the problem. That organization may choose to give up the money rather than to change its practices. Even when large sums of money are involved, an organization usually has many appeals before the money is actually withdrawn. These appeals are cumbersome and encourage the funding agency to settle for minor changes in resolving your complaint.

You can improve the situation by sending many letters and maintaining telephone contact with the investigating agency. Let them know that your group and all its members are very concerned about this issue and are willing to take further action. When Federal agencies are involved, write to your senators and congresspersons about the problem. When dealing with local agencies, speak to representatives of local government.

ADMINISTRATIVE HEARING

The second, and more effective, type of administrative procedure is one in which an individual who is hurt by a practice has a hearing before a neutral factfinder who can order relief. Special education and public assistance are two areas that use this type of procedure. While each procedure is somewhat different, they all follow the same general form. An individual who is actually hurt by a practice, like a child who is denied an educational service, or an individual who is not granted a welfare payment, files a written complaint. Next there is usually a negotiating session in which a representative of the agency meets with the complainant to try to resolve the dispute. If the dispute cannot be resolved, the individual has a hearing. This hearing must be held within a specific, relatively short, period of time. It is held before a neutral party who does not work for the agency that made the decision. At the hearing, both the individual and the agency introduces evidence to support their positions. They can call witnesses and submit documents that help their cases. This hearing is like a mini-trial without some of the formalities of a courtroom.

The factfinder, often called a hearing officer or administrative law judge, decides what should be done. If the complainant is not satisfied, he or she can appeal further through the system. Finally, when all the appeals are used up, the individual can go to court.

This type of hearing is very useful to remedy an individual grievance. It avoids most of the costs of court and can resolve the problem. In most cases, the agency is bound by the decision of the hearing officer. The procedure is not as useful for obtaining class-wide relief, because of actual differences among individual cases, and because a hearing officer does not have as much

power as a State or Federal court to order system-wide changes.
In theory, it is not necessary to have a lawyer at an administrative hearing. In practice, you will want to have a lawyer or other advocate help you. (Paralegals or advocates trained in administrative procedures are as competent as lawyers in this area). If you cannot afford legal help, legal services offices may be able to provide a lawyer or paralegal to handle your problem. If there are no legal services offices near you, private attorneys who have worked with legal services organizations may be willing to volunteer their time. As a last resort, if you cannot get a professional trained advocate, a member of the organization can help another member with his or her hearing. The advocate should speak with legal services attorneys or paralegals to get advice on how to handle administrative hearings.

FINDING OUT ABOUT ADMINISTRATIVE REMEDIES

Not every problem can be solved by an administrative procedure. An administrative remedy only exists if the statute, or implementing regulation or a court decision specifically authorizes one. To find out if there is an administrative remedy for your problem, you can do several things. You can call the agency itself and ask if you have a right to a hearing. Most agencies are required by law to tell you about this right even before you ask, and they all must tell you after you ask. You can also ask the agency about its sources of funding, and write to the funding agencies to find out if they have any administrative procedures for handling complaints. If this information is not helpful, you can look up the statute yourself. This will be difficult if you do not have a law library or any legal training, but with some help, it is the most effective way to find out about administrative remedies. Finally, you can contact legal services and ask them about their experience with administrative remedies.

Most civil rights statutes, like §504 of the Rehabilitation Act, give you the first type of remedy, that is, an investigation by the funding agency. In fact, there is an administrative remedy for most forms of discrimination by agencies or organizations receiving Federal funds. Public Law 94-142, the AFDC, SSI, Social Security, and other public benefits systems, the public housing system, and other State and Federal benefits programs generally have the second type of administrative procedure, the hearing process. They have this process because the Supreme Court has ruled that, before the State can take a benefit away from you, it must give you some sort of hearing.

Finally, a warning on administrative remedies: sometimes using an administrative procedure may prevent you from going to court on an issue. On the other hand, sometimes you must use the administrative procedure before you can go to court. If you think that you may eventually want to file a lawsuit, speak to an attorney before using any administrative procedure.

CHAPTER 6

PREPARING FOR LITIGATION

You may eventually decide that a lawsuit is the only way for you to solve your problem. Or, you may decide that a lawsuit should be one part of your problem solving strategy. Be cautious when making this decision. While a lawsuit can be a very effective tool, litigation itself is rarely a complete solution. Even if litigation is appropriate, it must be part of a wider community-based effort to make changes.

PRELIMINARY WORK

If you do decide to use a lawsuit as part of your strategy, there are several things to do to ensure that the suit will bring about real change.

First, identify the specific problems that must be solved. The overall problem may be the incarceration of children in jails, unequal treatment of girls in the juvenile justice system, or secure confinement of status offenders, but you must also look at the issues in a more specific way. For example, rather than saying that the problem is unequal treatment of boys and girls, you must choose a specific aspect of the problem like "girls receive longer sentences than boys in the juvenile system." Similarly, rather than saying that the juvenile justice system discriminates on the basis of race, you should say something like "minority children are not given alternatives to incarceration as often as white children are." In order to design a lawsuit, you have to know exactly what you want changed. Lawsuits do not solve broad, general problems. They can only remedy specific wrongs.

Second, and even more important, you should decide what you want the lawsuit to accomplish. Again, you must be specific. It is not reasonable to believe that the lawsuit will "improve the treatment of status offenders." A lawsuit can only accomplish a specific goal like "preventing county officials from confining status offenders in jail." To be effective, you must go even further and determine how you think your goal can be accomplished. For example, if children are confined in the county jail, and you want to stop this practice, locate alternatives to the jail where children can be confined. If your juvenile detention center is overcrowded, decide whether you want the county to build a new detention center, or to develop alternatives to detention for some children. You must always keep your ultimate objective in mind. You do not want to solve a problem by creating a more serious one. For example, it is not desirable to remove children from jails by confining them in counties 200 or 300 miles away. It is desirable to remove children from jails by setting up local alternative programs to the jail.

Identifying the problem and finding solutions are your responsibility in litigation. Do not give this responsibility to lawyers. They do not know as much as you do about the juvenile justice system and the problems of children. Maintain control over litigation that you start. Remember, the lawyer's goal is different than yours. He or she is trained to think about how to win this case, you are thinking about the policy that will result from it. Coordinate these efforts. It is unreasonable for you to ask a lawyer to do something that is legally impossible; it is equally unreasonable for a lawyer to ask you to agree to something that is humanly unacceptable.

CHOOSING AN ATTORNEY

Once you have decided to file a lawsuit and know what its purposes are, you have to choose an attorney. If you have worked well with an attorney in the past, this may be a very simple step. If you have not, think carefully before retaining someone to handle your case. If you need a private attorney, you should find one who will take the case either on a pro bono (free) basis, or for a contigency fee. Legal services and public interest lawyers will often take cases without any cost to your organization.

Possibly the most important factor to consider in hiring an attorney is his or her experience in the area of civil rights. Attorneys who are very competent in real estate or divorce law may know nothing about civil rights litigation or juvenile justice. Attorneys at legal services offices or public interest law firms that deal specifically with the area of juvenile rights will have the necessary experience. If none of these organizations can help you, ask them to recommend attorneys in your area who specialize in law reform litigation. Other attorneys in your community or the local bar association may also be able to make recommendations.

Before retaining the attorney, meet with him or her to discuss the case and how it will be conducted. Make sure that the attorney sees you as a partner in the litigation, will consult you in making decisions, and is committed to your goals. To be successful, the attorney will have to work long hours on this case without receiving much financial compensation. You should make sure that your attorney is sufficiently interested in the cause to represent you well.

YOUR ROLE IN LITIGATION

Once you have chosen an attorney, he or she may ask you to do some things. First, he or she may want your help in selecting a plaintiff. The rules about who can be a plaintiff are complex and will be explained by your attorney. In most cases, only an individual who has actually been injured by a practice can fulfill this role. In some cases, your organization will be able to be a plaintiff on behalf of its members. Since you are the most familiar with the problem, you will also know of people who are appropriate to serve as

plaintiffs and are willing to do so. The attorney will advise you that the plaintiff must be willing to stay in the area for a fairly long period of time. Because the plaintiff will have to testify both in and out of court, you will want to have someone who can speak well and confidently. You will also want to have someone who will not be intimidated by publicity or threats of retaliation.

As discussed above, the attorney may want you to go through certain administrative procedures before filing suit. These are the procedures discussed in chapter 5 above. The attorney will help you with those procedures.

By the time you contact an attorney, you will have already done considerable investigation of the problem. The attorney will also have to do some investigation and you can help with this. You have better contacts in the community than does the attorney, and may have more time to concentrate on the purely factual aspects of the case. A large part of your responsibility will be to stay aware of new developments as they occur. If the attorney's office is located far from your community, you will have to monitor the situation and report any changes that occur.

As part of the lawsuit, you may also be required to testify or produce records and documents. It is not necessary to discuss this aspect of litigation in detail here because your lawyer will prepare you when it is necessary. If you have concerns about providing certain information, you should discuss them with your lawyer at the outset, and consider them when deciding whether to pursue litigation.

MONITORING THE SETTLEMENT

Finally, if your lawsuit is successful, you will have a major role in monitoring the implementation of any settlement or judgment. For example, if the court prohibits defendants from holding children in jails, you may be responsible for finding out if children are being sent to the jails in violation of this court order. If the court orders that children be allowed to send and receive uncensored mail, you may have to interview children to see if their mail has arrived uncensored. Monitoring is probably the most important part of the lawsuit because a judgment is meaningless if there is no way to enforce it. In fact, in the civil rights area, many good decisions or settlements have had limited effects because no one monitored their implementation.

Because this monitoring function is so important, you should discuss it with your lawyer whenever settlement seems likely. You should ask that provisions for a monitor be included in the settlement agreement, and indicate your willingness to serve as a monitor, if necessary. A monitoring system should be developed before any settlement is accepted.

In summary, the key aspects of your preparation for litigation are knowing the situation, deciding what the purpose of your suit is, and deciding what the ultimate goal of your case will be. It is also critically important that you have a good working relationship with your lawyer and that you continue to take an active role in litigation, both before and after settlement or judgment.

APPENDIX

This appendix contains material that may be helpful in inspecting institutions including: An article on inspecting jails, and forms to use to record information from jail inspections of juvenile facilities.

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CHILDREN AND THE LAW

A Publication of the Youth Law Center

INSPECTING YOUR LOCAL JAIL

Juveniles charged with delinquent acts are frequently held in jails or detention centers that are totally unsuitable for confining them. Local attorneys or citizen groups, alerted to these problems, can and should visit these jails to see for themselves whether these facilities provide a safe and reasonably healthful climate for youth detained in them. Most people, however, have no experience in inspecting jails and feel uncomfortable about confronting this task. The following article is intended to provide some ideas on how to conduct a jail inspection.

It is impossible to set out a "how to" manual for jail inspections that will suit every situation. The way an inspection should be conducted depends on the personality of the person inspecting, the purpose of the inspection, and the resources available to the inspector. The purpose of this article is to list some considerations that should be taken into account when conducting a jail inspection and to give some hints for how to make such inspection more profitable. The article talks in terms of "jails" "sheriffs" and "deputies" but should be equally applicable to inspecting other facilities, like detention centers or long term care.

1. Who Are You?

Your ability to inspect a jail will depend in part on who you are. For example, an attorney may have the opportunity to interview clients-inmates in a private setting while a lay person might not have this opportunity. An official investigative body has more access to the jail than a concerned citizen.

If you are a private citizen, you are obviously at a disadvantage in terms of talking to inmates or gaining access to remote areas of the jail. On the other hand, your apparent naivete and unfamiliarty with corrections may be an advantage. The sheriff, deputy or other individual giving you a tour will be less suspicious of you and defensive than he or she would be in the presence of a lawyer or elected official.

Attorneys have two advantages. First, they can visit with inmates in a private setting and question them closely about the jail. They can also, in some cases, correspond with inmates without fear that the correspondence will be censored. Second, if they know the relevant law, they will be able to look at a jail with a sophisticated eye and determine where deficiencies exist.

Finally, representatives of official agencies have access to jail logs and records that would be otherwise confidential. They can also legitimately ask to see sections not accessible to the ordinary visitor.

It is often helpful to combine skills. For example, a community group may want to visit a jail first and determine problem areas, then have an attorney visit and investigate more closely the specific problems discovered on the first tour.

2. Do You Have A Contact?

It is quite helpful to know someone "inside" the jail. This person can be an inmate, a former inmate, or an employee. If

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your contact is an employee, he or she can show you problem areas in the jail and point out disparities between official policy and actual practice. If your contact is an inmate or former inmate, the process is a bit more complicated. You will want to find out how your contact's story differs from the official story. You will also want to have your contact supply you with any evidence in the form of corroborating statements, written policies, medical records, or other tangible evidence that his or her story is true.

When interviewing inmates or jail personnel, it is important to note their names, positions, length of time at the jail, and other identifying information that will help you to find them for a second interview. Even sources that prefer not to be publicly identified, should identify themselves to you. While secret sources may be glamorous, they are useless when you have to prove accusations either in court or to the general public. If the existence of a practice is questioned, jail administrators will have ample testimony to show that they never committed the abuse, or that the incident has been distorted.

3. What Do You Know About The Jail? What Can You Find Out?

The average person "doesn't know much about jails, but knows what he likes." This is insufficient when doing a jail inspection. Many practices or conditions that seem horrible to the outsider may be perfectly legal. On the other hand, a practice that seems relatively inoffensive may be unconstitutional. For example, double celling, the practice of housing two inmates in a very small cell, may appear to violate fundamental rights to privacy and decent living conditions. However, in many cases, it is legal and constitutional. On the other hand, a policy of opening mail from attorneys, which may not be as personally repugnant to the visitor, does violate constitutional standards.

Therefore a person doing a jail inspection must become familiar with basic legal and organizational standards for jails. This can be done in several ways. First, a lay person could ask a local attorney who is familiar with jail conditions for a basic briefing on unconstitutional conditions of confinement. For groups that don't have access to such an attorney, it may be more practical to review nationally recognized jail standards like those of the American Correctional Association or the American Bar Association. These standards will give you an idea of what a jail should have so that you can contrast the ideal situation with the jail you are visiting.

A checklist of points to review is also helpful. This checklist should cover all areas of concern, including sleeping arrangements, programming, recreation, personal hygiene, food, access to courts, etc. Sample checklists are available on request from the Youth Law Center at this address. You can also construct a checklist by reviewing and outlining the standards you need to prepare for your tour.

4. Do You Need to Take Notes?

Many people prefer not to take notes on any institutional tours. This practice has several advantages. First, it is often difficult to listen and take notes at the

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same time. While you are writing about a particular point, you may miss important information on another more important point. Second, unless you know shorthand or speed writing, you are likely to get only part of the information down on notes. Your notes, being incomplete, may then be not only frustrating but misleading. Third, and most important, notetaking often intimidates the person giving you the tour. He or she may become more self-conscious and hesitate to give you extra information. If you are taking notes, it is difficult to establish the relaxed, friendly atmosphere that is necessary to gain your guide's confidence and discover his or her real feelings about the institution. While a deputy may tell you that a cell is "a mess," or often "jammed to the gills," in conversation, he or she is much less likely to give you that information if his or her exact words are being written down.

If you don't take notes it's very important to record your observations and impressions of the jail as soon as possible after your inspection. You can use a portable tape recorder to dictate your impressions If you or your organization can't transcribe a tape, written notes are less convenient but equally adequate, but do it immediately. A delay of one or two days will result in the loss of considerable information and may necessitate an additional jail tour. While a sheriff may understand your curiosity and desire to visit a jail once, he is much less likely to be sympathetic to a second or third visit.

5. Who Is Your Guide?

There are varying opinions on who makes the best guide of a jail.

Some people prefer not to have a sheriff or a superintendent accompany them on a tour. Their position is that a deputy or other subordinate employee is more likely to tell you the truth about the jail and to confide his misgivings in you when his boss isn't there.

On the other hand, a deputy or other employee may not have all the information you want to obtain and may not be authorized to show you the whole jail. The sheriff or superintendent will have information about every aspect of the program and can obtain information that is not immediately available. The sheriff will, of course, give you a one-sided view of the jail. However, frequently sheriffs are not aware of legal problems in the jail and may show you conditions that violate the legal standards.

Perhaps the best advice in this situation is to consider the size and the complexity of the institution. In a large or complex institution, the chances are that a non-supervisory employee won't know about all areas of the institution. In that case the increase of information may be worth a loss of candor. In a very small, rural jail, however, it is likely that the deputy knows as well or better than the sheriff what happens from day to day and, there is no advantage to having a supervisor rather than a deputy or custodial staff member.

6. What Do You Want to See?

Obviously, you want to see as much of the jail as possible. Your checklist should give you an idea of specific areas to see, including the kitchen, bathroom facilities, security areas. You also should see written materials that are given to inmates, visitors, or, if possible, employees, for their use. The best way that you can learn about problems in the mail or visitation policy or searches, is through the written rules and regulations. If there are no written rules and regulations, that fact is very important

to know.

Ask to look at jail logs. You may not be able to take in all the information contained in these logs, but you will be able to find out whether their record keeping system is adequate. Ask what kind of intake and medical screening procedure is by security personnel. Also ask to see any written procedures for intake and written screening checklists.

You will also want to know about medical care in general. Is there a sick call every day? Is psychiatric care available to inmates? Is routine medical care provided?

When dealing with juveniles, look to see whether they are adequately separated from adults. Although they may have separate cells, juveniles may not be separated from adults in the intake, medical, or recreation areas. Try to determine whether there is sound separation for juveniles from adults.

7. What Can You Do With The Results Of Your Evaluation?

If you see any serious problems in the jail, you will have to decide whether to notify jail personnel of deficiencies you have found in the facility or to take other action. You should consider the personality of the sheriff (how likely it is that he will make necessary changes), the political tenor of the community, and your own goals. It is sometimes not beneficial to tell jail officials about your concerns, since they may direct their energies to ineffective palliatives or even coverups of the problems. On the other hand, a sheriff who fears litigation and can make changes without spending too much money may be willing to make these changes rather than become involved with the courts.

This article is necessarily a brief treatment of the issue of jail inspection. Staff of the Youth Law Center welcome inquiries about jail inspections, and will be happy to send additional materials on institutional inspections.

Facility _____

QUESTIONNAIRE

	YES	NO
I. CONDITIONS OF FACILITY		
A) Contains Single Cells	_____	_____
B) Contains Multiple Occupancy Cells	_____	_____
C) Contains Dayrooms of Various Sizes	_____	_____
D) Segregation of Inmates	_____	_____
1) Sight and Sound		
a) Intake	_____	_____
b) Medical Exams	_____	_____
c) Sleeping	_____	_____
d) Dining	_____	_____
e) Recreation	_____	_____
f) Education	_____	_____
g) Vocational Training	_____	_____
h) Transportation to Court	_____	_____
2) Women and Men	_____	_____
E) Is Jail Located within Sheriff's Department? If not, where? _____		
F) Are there Detoxification Cells?	_____	_____
1) If so, are youth kept there?	_____	_____
2) Stationary bunks above floor level	_____	_____
3) One or more floor drains	_____	_____
4) Easily cleaned	_____	_____
G) Are there lighted entrances?	_____	_____

	Yes	No
H) Is there sufficient light to observe inmates?	____	____
Is there sufficient light to read by?	____	____
I) Are fire and evaluation drills held?	____	____
J) Are there portable fire extinguishers provided throughout the facility?	____	____
K) Are the grounds maintained well?	____	____
Grass cut?	____	____
Trees maintained?	____	____
Sidewalks repaired?	____	____

_____

_____

_____

L) Is the paint in good shape?	____	____
Are there broken windows?	____	____

_____

_____

_____

M) Are telephones available in case of emergency to all staff and children?	____	____

_____

_____

N) Is there a private visiting room?	____	____

_____

_____

O) Is the ceiling at least 8 feet?	____	____

_____

_____

	Yes	No
P) Do the beds have pillows, sheets, spreads, and what is the condition of mattresses and pillows?	____	____
Q) If child is confined, can he easily communicate with staff?	____	____
R) Is facility located on a public bus route?	____	____
How difficult for parents to visit?		
S) Is the facility surrounded by fences and walls?	____	____
Bars on windows?	____	____
Are doors kept locked?	____	____
What about egress in case of a fire?		

II. QUALITY OF DAILY LIFE

A) Can the child have personal possessions?	____	____

B) How often is linen changed? Can it be sooner?

	Yes	No
C) Are bunk beds used?	____	____
Restricted to what age? _____		
D) Is time or number of showers limited?	____	____
E) Does each person have his/her own washcloth and towel, and how often are they changed?	____	____

F) What are the eating arrangements:

1) What are the seating arrangements? _____

2) Quantity of food? _____

3) Quality of food? _____

4) Is food withheld as punishment? Unknown ____ ____

G) Does staff eat with children? ____ ____

H) Are there different sleeping arrangements depending upon the age of the child? ____ ____

I) How do children obtain clothing? _____

	Yes	No
Is it new?	_____	_____
Can they choose among different types of clothing?	_____	_____

_____

_____

J) Is clothing personalized or uniform? _____

K) How is the grooming accomplished, i.e., barbers, beauticians, in-community or in-house? Staff? Other children?

_____

_____

_____

L) What is the daily schedule of the child?

8:00 a.m. _____
8:30 _____
9:00 _____
9:30 _____
10:00 _____
10:30 _____
11:00 _____
11:30 _____
12:00 noon _____
12:30 p.m. _____
1:00 _____
1:30 _____
2:00 _____
2:30 _____
3:00 _____
3:30 _____
4:00 _____
4:30 _____
5:00 _____
5:30 _____
6:00 _____
after 6:00 _____

M) Is mail censored?	_____	_____
N) Are mailing rights ever denied?	_____	_____

For what reasons? _____

_____

	Yes	No
O) Are visiting rights ever denied?	_____	_____

_____

_____

P) Does lockup meet the basic physical facilities standards? _____ _____

_____

_____

Q) Does anyone check on children while in seclusion? _____ _____

How often? _____

Is there a log kept? By whom? _____

_____

_____

R) When is seclusion used? _____

_____

_____

S) Who authorizes a child to be placed in seclusion? _____

_____

Who releases the child? _____

_____

T) What is release process? _____

_____

Does child know what he must do to be released? _____

_____

U) What is the nature and extent of corporal punishment? _____

_____

_____

Yes No

V) What form does noncorporal punishment take? _____

_____

_____

W) What is the purpose of discipline? _____

_____

_____

III. PROGRAMS AND SERVICES

A) Is there a Written Education Policy? _____ _____

B) Does the institution or school district operate the education program? _____

C) Approximately how many children are involved in the education program? _____

_____

D) Can a diploma be earned? _____ _____

E) Is there a current evaluation by the regulating agency? _____ _____

_____

_____

F) Does each child have a specific counselor? _____ _____

_____

G) How much time per week do children spend with trained/professional staff? _____

_____

H) Is there a volunteer program? _____ _____

Who supervises the volunteers? _____

_____

Yes No

What duties do they perform? _____

_____

I) What outside services are used? _____

_____

_____

J) How many residents receive medication? _____

_____

For what reason? _____

_____

_____

K) Are children used in drug experiments and/or other types of research?

_____

_____

_____

L) Are medical staff and/or services always available? _____ _____

_____

_____

M) Do residents know what medications they receive? _____ _____

Are their parents or guardians notified? _____ _____

How? _____

_____

Q U E S T I O N N A I R E

I. POPULATION CHARACTERISTICS

(1) The school has the architectural capacity to house __ residents (__boys, __girls).

(2) The school has adequate staff and services to care for ___ residents (__boys, __girls).

(3) The school now houses ___ residents (__boys, __girls).

(4) The ages of the residents vary between __and __.

(5) The average age of residents is __.

(6) The average resident has committed __prior offenses.

(7) The typical offender has committed [circle one] a crime against property, a violent crime, armed robbery.

(8) What areas of the state do the residents come from?

(9) __% of the residents live more than 300 miles from the facility.

(10) The average stay of a resident is usually _____.

(11) The longest stay of a resident is _____.

II. PHYSICAL PLANT

Describe the physical plant, including lighting, ventilation, individual rooms or group living areas, education areas, recreation rooms, exercise areas (indoor and out), medical rooms, dining areas, visiting areas, chapels or other religious areas. Note particularly any suicide dangers and whether the building is handicapped accessible. In describing rooms, describe furniture wherever possible.

III. DAILY SCHEDULE

(1) Outline the daily schedule of activities on weekdays and weekends in as much detail as possible.

(2) How many hours of recreation are provided to each child per day?

(3) What forms of recreation are available? (Include outdoor exercise.)

(4) How many hours of outdoor activity are available to each ward per day?

(5) Do wards perform any work in the facility? ___ If so,

(a) Describe the type of work.

(b) Are wards paid for their work?

(c) Is the work for the benefit of the facility or for the treatment and rehabilitation of the child?

(d) Is the work voluntary or involuntary?

(6) How many hours per day do children spend in their rooms? ___

(7) Do children have reading material available to them in their rooms? ___ If so,

(a) Is the reading material provided by the school?

(b) Is there any censorship of reading material?

(c) Are there other opportunities to read when children are not in their rooms?

(8) Do children watch TV or listen to the radio? ___ If so,

(a) During what hours are wards allowed to watch TV or listen to the radio?

(b) Do wards have unlimited choice as to what to watch on TV?

(c) In what areas of the facility do wards watch TV or listen to the radio?

(d) Is there an opportunity for wards who do not wish to watch TV or listen to the radio to leave their room?

(9) Do children participate in off-campus activities? ___ If so,

(a) How often.

(b) Describe.

IV. LIVING CONDITIONS AND PRIVACY

(1) How many children sleep in a room?

(2) Do children have an opportunity to spend time by themselves during the day without going into isolation?

(3) Do children have privacy while taking showers?

(4) How frequently are children allowed to take showers?

(5) Are children allowed to wear their own clothing?

(6) Do children have an area to store their belongings?

(7) Do children have adequate materials for personal hygiene including toothbrush, washcloth, towels, etc.?

(8) Are strip searches of wards regularly conducted?

V. STAFF

(1) List all staff positions at the facility.

(2) What is the staff/student ratio?

(3) What is the ratio between line staff and students?

(4) What is the ratio between teachers and students?

(5) What is the ratio between social workers and students?

(6) What is the ratio between physicians and students?

(7) What qualifications are required for counselors or line staff?

(8) What qualifications are required for therapeutic counselors?

(9) What qualifications are required for social workers?

(10) What training are staff given before beginning work?

(11) What, if any, continuing training is offered?

(12) Describe disciplinary procedures for staff.

(13) Is there a grievance procedure by which a ward can complain of treatment by staff?

(14) Is this grievance procedure posted or are wards otherwise aware of the grievance procedure?

(15) Are volunteers used in place of staff?

(16) If volunteers are used, how are they supervised?

(17) If volunteers are used, how are they trained?

VI. PHYSICAL AND MENTAL HEALTH CARE

(1) Are wards medically screened before entering the system? (Describe.)

(2) Is a physician responsible for health care services?

(3) Is a medically trained person on duty 24 hours a day?

(a) If so, what are the qualifications of that person?

(b) If not, who is on duty and for what hours during the day?

(4) Are line staff trained in the use of CPR, first-aid or given EMT training?

(5) Is dental care available to wards?

(a) If so, what is the nature of this care?

(b) By whom is it provided?

(6) How often are wards given physical exams?

(7) How often are wards given dental exams?

(8) What hospital facilities are available for emergency treatment of wards?

(9) Is the consent of wards and their guardians required for:

(a) Medical treatment.

(b) Administration of drugs.

(10) Are drugs used for behavior control?

(a) If so, what drugs?

(b) If so, are physicians involved in the decision to use the drugs?

(11) Are any drugs administered by line staff?

(12) Do physicians routinely review the use of drugs? How often?

(13) Is there a recording system for administration of drugs?

(14) Are students permitted a choice in food?

(15) Is a psychiatrist responsible for mental health care at the facility?

(16) Does the psychiatrist or other mental health staff member collaborate on a treatment plan for the ward?

(a) If so, what member of the staff develops this treatment plan?

(b) If not, is a treatment plan developed?___ By whom?_____

_____

(17) Are special diets available for students with medical problems?

(a) Are special diets available only on prescription of physician?

(b) Are special diets available for religious needs?

(18) Is the food healthful and sanitary?

VII. ACCESS TO THE OUTSIDE

(1) Are wards permitted to use the telephone?

(2) How frequently?

(3) Whom may they call?

(4) Are telephone calls monitored?

(5) How long may a telephone call last?

(6) Is the telephone located in an area which provides privacy?

(7) Are there any restrictions on the receipt or sending of mail by wards?

(8) Do the wards have a correspondence list?

(9) Is wards' mail opened before it is sent out?

(10) Is incoming mail opened?

(11) Is mail censored?

(12) Are there special procedures for attorney mail?

(13) May wards receive visitors?

(14) If so, who may visit?

(15) How frequently may wards have visitors?

(16) How long do visits last?

(17) What are the visiting hours?

(18) Are visits monitored?

(19) Is contact visiting permitted?

(20) Are wards permitted to leave a visiting area and walk around with their visitors?

(21) Describe the visiting area, if there is one.

(22) Are wards searched before or after visits?

(23) Are visitors searched before or after visits?

(24) If the answer to 22 or 23 is affirmative, please describe when these searches occur, who performs the searches, and the manner of search (e.g., strip searches, pat-down, body cavity search, etc.)

(25) Are rules for mail, telephone calls and visitation posted or distributed to wards?

VIII. DISCIPLINE AND ISOLATION

(1) Is there a written code of regulations? ___ Does it specify punishments for violations?

(2) Is there a written procedure for providing hearings for disciplinary infractions? ___ Describe the hearing procedure.

(3) Describe the punishments schedule.

(4) Are rewards used as incentives for good behavior?

(5) Are wards who commit disciplinary infractions that are also violations of the law referred to the criminal justice system?

(6) Is isolation used as a punishment?

(a) What is the maximum period of isolation?

(b) Are medical staff involved in the decision to isolate?

(c) Do medical staff examine persons who are isolated, if so, how frequently?

(d) Is there a system of written reporting on the use of isolation?

(e) Are wards supplied with reading materials or other activities while they are in isolation? ___ (Describe.)

(f) Are wards given exercise while they are in isolation?

(g) Are wards given access to education while they are in isolation? ___ (Describe whether they are educated in their rooms or in groups.)

(h) Are isolation rooms monitored with audio/visual equipment? ___(Describe.)

(i) Is the use of isolation reviewed periodically to determine that it is being appropriately applied?

(j) Have there been incidents of attempted suicide, negative psychological reactions, or self-injury as a result of the use of isolation?___ (Describe.)

(7) Are visitation rights ever denied for disciplinary reasons?

(8) Are telephone privileges ever denied for disciplinary reasons?

(9) Is food ever denied for disciplinary reasons?

(10) Are physical restraints used to control wards' behavior?

(a) Are metal restraints (e.g., handcuffs) used?

(b) Are straightjackets used?

(c) What other forms of restraint are used?

(11) Body restraints and corporal punishment:

(a) Are counselors or other line staff authorized to use corporal punishment?___ If so, describe.

(b) Are counselors authorized to physically restrain wards?

(c) Describe various holds which are used. In particular, are choke holds or other holds that stop circulation and respiration authorized?

IX. EDUCATION

(1) How many hours of education are provided to children each day?

(2) How many months of the year is education provided?

(3) What are the qualifications of teachers?

(4) Which wards are eligible to participate in the educational program?

(5) What is the content of the educational program?

(6) Is special education provided? ___ Are the teachers certified in special education?

(7) Is vocational education provided?

(8) How many hours of vocational education are provided?

(9) What vocational education programs are available?

(10) Are the vocational education programs available equally to boys and girls?___ If not, describe any differences.

(11) Who is eligible to participate in vocational education?

X. NON-ENGLISH SPEAKERS

(1) Does the facility house non-English speaking wards?

(2) Are translation services available at the facility?

(3) Are social workers who can communicate with non-English speakers available to the wards?

XI. ENTERING THE SYSTEM

(1) How is assignment to this facility determined by the CYA?

(2) What tests, if any, are administered to wards before placement and treatment decisions are made?

(3) Are these tests voluntary or are wards required to take them?

(4) Are treatment plans designed for wards before they get to the facility?

(5) Can wards be transferred from this facility to another?

(6) If the answer to (5) is yes, what is the procedure for transfer?

XII. HANDICAPPED WARDS

(1) Does the facility house physically handicapped wards? (Describe.)

(2) Do these wards have equal access to programs at the facility?

(3) Does the facility house mentally handicapped wards? ___ (Describe.)

(4) Are special programs available for these wards?

(5) Does the facility house any wards with serious sensory handicaps?___ (Describe.)

(6) Are programs and special services available to these wards?

(7) Are medical services adequate to serve the needs of handicapped wards?